

Senate Chamber, Atlanta, Georgia
Wednesday, January 26, 2005
Sixth Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 18. By Senator Golden of the 8th:

A BILL to be entitled an Act to amend Code Section 34-8-194 of the Official Code of Georgia Annotated, relating to grounds for disqualification for employment security benefits, so as to change provisions relating to the effect of discharge from employment because of absenteeism caused by illness; to provide for related matters; to provide for an effective date and for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SB 54. By Senator Goggans of the 7th:

A BILL to be entitled an Act to amend Code Section 47-12-82 of the Official Code of Georgia Annotated, relating to salary for district attorneys emeritus, suspension of office upon eligibility for or appointment to an office of profit or trust under the United States Constitution or the Constitution of Georgia, so as to provide for a salary increase; to provide for cost of living increases; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

SB 55. By Senators Seabaugh of the 28th and Balfour of the 9th:

A BILL to be entitled an Act to amend Chapter 3 of Title 43 of the O.C.G.A.,

relating to accountants, so as to change the composition of the state board of accountancy; to repeal certain provisions relating to registered public accountants; to provide that public accountants shall upon application be certificated as certified public accountants; to remove references to registered public accountants; to change certain provisions relating to use of titles and devices, false or fraudulent claims, and regulation of solicitation of employment; to amend Chapter 40 of Title 43 of the O.C.G.A.; to amend Article 13 of Chapter 1 of Title 7 of the O.C.G.A.; to amend Chapter 12 of Title 16 of the O.C.G.A.; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

SB 56. By Senators Thomas of the 54th, Unterman of the 45th, Harbison of the 15th, Hooks of the 14th, Pearson of the 51st and others:

A BILL to be entitled an Act to amend Chapter 14 of Title 31 of the Official Code of Georgia Annotated, relating to hospitalization for tuberculosis, so as to revise a definition; to revise obsolete references; to revise certain provisions relative to confinement of patients committed for tuberculosis treatment; to revise certain provisions relative to continuation of confinement of patients committed for tuberculosis treatment; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 57. By Senators Hamrick of the 30th, Cagle of the 49th, Hill of the 32nd, Smith of the 52nd, Rogers of the 21st and others:

A BILL to be entitled an Act to amend Code Section 17-10-7 of the Official Code of Georgia Annotated, relating to punishment of repeat offenders, so as to provide that a person convicted of the offense of murder who is not sentenced to death and who has previously been convicted of three or more felonies shall be sentenced to life without parole; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 58. By Senators Hamrick of the 30th, Cagle of the 49th, Smith of the 52nd, Unterman of the 45th and Pearson of the 51st:

A BILL to be entitled an Act to amend Code Section 16-15-3 of the Official Code of Georgia Annotated, relating to definitions relating to street gang

terrorism and prevention, so as to change and add certain definitions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

SB 59. By Senator Hamrick of the 30th:

A BILL to be entitled an Act to amend Code Section 42-8-130 of the Official Code of Georgia Annotated, relating to establishment of county diversion centers, so as to authorize the establishment of county probation diversion centers for certain offenders; to provide that such centers shall be under the control of the sheriff of the county or such other county entity, officer, or employee as the county governing authority shall direct; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

SB 60. By Senators Golden of the 8th, Stoner of the 6th, Meyer von Bremen of the 12th, Jones of the 10th, Brown of the 26th and others:

A BILL to be entitled an Act to amend Part 3 of Article 3 of Chapter 2 of Title 38 of the Official Code of Georgia Annotated, relating to pay, pensions, and allowances for military personnel, so as to provide for financial assistance grants to families of residents of this state who are members of the Georgia National Guard or reserve forces or reserve components of the armed forces of the United States and who have been engaged in military duty for extended periods for the defense and protection of the United States and the State of Georgia; to define certain terms; to create the Commission on Helpful Economic Relief for Our Exceptional Soldiers (HEROES) and provide for its members, powers, and duties; to repeal conflicting laws; and for other purposes.

Referred to the Appropriations Committee.

SB 61. By Senators Harbison of the 15th, Hooks of the 14th, Tate of the 38th, Henson of the 41st, Golden of the 8th and others:

A BILL to be entitled an Act to amend Subpart 10 of Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to

grants to children of Georgia National Guard Members, so as to provide for grants for postsecondary education to members of the national guard under certain conditions; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

SB 62. By Senators Shafer of the 48th and Staton of the 18th:

A BILL to be entitled an Act to provide for a short title; to provide for legislative findings; to amend Title 16 of the Official Code of Georgia Annotated, relating to computer systems protections, so as to add a new part to create the new crime of initiation of deceptive commercial e-mail; to provide for definitions; to provide for criminal penalties; to provide for civil relief and venue for civil proceedings; to provide for certain prosecuting officials to prosecute deceptive commercial e-mail; to provide for applicability; to provide for exceptions; to change provisions relating to the definition of racketeering activity in the Georgia RICO Act; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Science and Technology Committee.

SR 38. By Senators Meyer von Bremen of the 12th, Golden of the 8th, Stoner of the 6th, Jones of the 10th, Starr of the 44th and others:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for financial assistance grants to families of residents of this state who are members of the National Guard or reserve forces or reserve components of the armed forces of the United States and who have been engaged in military duty for extended periods and the creation and administration of a nonlapsing trust fund for such purpose; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Appropriations Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Education and Youth Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 34 Do Pass by substitute

Respectfully submitted,
Senator Moody of the 56th District, Chairman

Mr. President:

The State and Local Governmental Operations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 37 Do Pass
SB 38 Do Pass

SB 39 Do Pass
SB 40 Do Pass

Respectfully submitted,
Senator Wiles of the 37th District, Chairman

The following legislation was read the second time:

SB 33

Senator Chapman of the 3rd asked unanimous consent that Senator Hill of the 4th be excused. The consent was granted, and Senator Hill was excused.

Senator Brown of the 26th asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

The roll was called and the following Senators answered to their names:

Adelman	Henson	Smith
Balfour	Hill,Judson	Starr
Brown	Hooks	Staton
Bulloch	Hudgens	Stephens
Butler	Johnson	Stoner
Cagle	Jones	Tate
Carter	Kemp	Thomas,D
Chance	Me V Bremen	Thomas,R
Chapman	Miles	Thompson,C
Douglas	Moody	Tolleson
Fort	Mullis	Unterman
Goggans	Pearson	Walker
Golden	Powell	Weber
Grant	Rogers	Whitehead
Hamrick	Schaefer,N	Wiles

Harbison
Harp
Heath

Seabaugh
Seay
Shafer,D

Williams
Zamarripa

Not answering were Senators:

Hill, Jack (Excused)

Reed

Thompson, S (Excused)

Senator Reed was off the floor of the Senate when the roll was called and wishes to be recorded as present.

The members pledged allegiance to the flag.

Senator Harbison of the 15th introduced the chaplain of the day, Pastor Vince Allen of Columbus, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 35. By Senators Seay of the 34th, Starr of the 44th, Jones of the 10th, Thompson of the 33rd and Miles of the 43rd:

A RESOLUTION honoring Ms. Betty S. Martin on the occasion of her birthday; and for other purposes.

SR 36. By Senators Thomas of the 2nd and Johnson of the 1st:

A RESOLUTION recognizing and commending Dr. Priscilla D. Thomas for her many years of community service and her outstanding civic achievements; and for other purposes.

SR 37. By Senators Hill of the 4th, Harp of the 29th, Hooks of the 14th, Brown of the 26th, Johnson of the 1st and others:

A RESOLUTION commending and recognizing the Georgia Association of Black State Universities; and for other purposes.

SR 39. By Senators Stephens of the 27th, Johnson of the 1st, Balfour of the 9th, Seabaugh of the 28th, Goggans of the 7th and others:

A RESOLUTION honoring President Ronald Wilson Reagan on the 94th anniversary of his birth and declaring February 6, 2005, as "Ronald Reagan Day"; and for other purposes.

The following local, uncontested legislation, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

SENATE LOCAL CONSENT CALENDAR

Wednesday, January 26, 2005
Sixth Legislative Day

(The names listed are the Senators whose districts are affected by the legislation.)

Pursuant to Article VII, Section II, Paragraph IV of the Constitution, the following four local bills relating to homestead exemptions require a two-thirds roll-call vote for passage:

SB 37

Johnson of the 1st
CITY OF RICHMOND HILL

A BILL to be entitled an Act to provide for a homestead exemption from City of Richmond Hill ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

SB 38

Johnson of the 1st
BRYAN COUNTY

A BILL to be entitled an Act to provide for a homestead exemption from Bryan County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

SB 39

Johnson of the 1st
BRYAN COUNTY

A BILL to be entitled an Act to provide for a homestead exemption from Bryan County School District ad valorem taxes for educational purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

SB 40

Johnson of the 1st
CITY OF PEMBROKE

A BILL to be entitled an Act to provide for a homestead exemption from City of Pembroke ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the local legislation as reported, was agreed to.

On the passage of the legislation, a roll call was taken, and the vote was as follows:

Y Adelman	E Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	E Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Pearson	Unterman
Golden	Powell	Walker

Y Grant	Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer,N	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the local legislation, the yeas were 47, nays 0.

The legislation on the Local Consent Calendar, having received the requisite constitutional majority, was passed.

Serving as doctor of the day was Dr. Mitzi Rubin.

Senator Stephens of the 27th moved that the Senate adjourn until 10:00 a.m. Thursday, January 27, 2005.

The motion prevailed, and the President announced the Senate adjourned at 10:36.